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C O N F I D E N T I A L SECTION 01 OF 04 BEIRUT 001575

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ALSO FOR ISN PDAS PMCNERNEY, ISN/CPI FOR MEYERS, ISN/ECC  
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P FOR DRUSSELL AND RRANGASWAMY  
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TAGS: [ETTC](#) [MARR](#) [PBTS](#) [PGOV](#) [PINR](#) [PREL](#) [LE](#) [SY](#)  
SUBJECT: LEBANON: NEED FOR EXPORT CONTROLS, CUSTOMS TRAINING

Classified By: Ambassador Michele J. Sison for reasons 1.4  
(b) and (d)

SUMMARY

11. (U) This is an action request. Please see paragraphs 15 and 16.

12. (C) GOL officials tell us there are few, if any, rules or regulations in place to halt or interdict potentially illicit radiological, biological or chemical material and other strategic goods that can be used in WMD development programs transiting across Lebanon's borders. Even if the GOL had intelligence that illicit strategic goods were being transited through Lebanon, the Lebanese Customs would be unable to legally stop the materials. This assessment emerged during several meetings Emboffs and visiting USG experts held in October.

13. (C) Contacts tell us that the Council of Ministers can pass a decree in the short-term to address this problem. However, Parliament's ability to draft and adopt legislation to address this problem in the long-term will be quite difficult, according to sources. In addition, numerous border crossing points do not have the equipment needed to screen for such materials and Customs officials are in need of proper training to better secure Lebanon's border entry points. Therefore, GOL officials have asked for USG assistance in drafting/adopting appropriate legislation and for increased training and support for Lebanese Customs. Embassy supports using EXBS funding designated for Lebanon to respond to these needs. End Summary.

EXPORT CONTROL LAW NEEDED

14. (C) In an October 14 meeting, Lebanese Atomic Energy Commission (LAEC) Director Bilal Nsouli told Export Control and Border Security (EXBS) official Vennie Psaros and Emboff

that Lebanon needed an export control law to regulate which dual-use items could be imported/exported and transshipped through Lebanon's borders. Nsouli said Lebanon is not in compliance currently with UNSCR 1540. (Note: UNSCR 1540 imposes binding obligations on all states to establish domestic controls to prevent the proliferation of nuclear, chemical, and biological weapons, as well as dual-use items that can be used for both non-illicit or illicit purposes to develop a weapon of mass destruction (WMD) and its means of delivery. UNSCR 1540 calls for countries to establish appropriate controls by creating laws and regulations to control the export and transshipment of such goods. End Note.)

15. (C) According to Nsouli, the GOL only regulates certain contraband items, such as weapons and cigarettes, and certain chemicals, mainly nitrate. However, all other items are legally exported or transshipped from Lebanon. Nsouli favored the creation of an export law for Lebanon and suggested adopting the list of dual-use items regulated by the EU's Export Control Law.

16. (C) In an October 24 meeting, the General Director of Lebanese Customs Assad Ghanem told visiting Department of Energy personnel (who are working on the Megaports project for Lebanon) and Emboff that Lebanese Customs can legally only confiscate a limited number of illicit items such as weapons, cigarettes, and other types of contraband. However, Customs does not have the legal authority to interdict and confiscate transshipped or exported radiological, biological, or chemical material.

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17. (C) According to Ghanem, if Customs had intelligence concerning a certain transshipped container with illicit material that could be used to produce a nuclear weapon, the GOL could not confiscate it and would have to let the illicit cargo continue on route to its next destination. Lebanese Customs requires new legal authorities to be able to halt such goods, according to Ghanem. Nsouli and Ghanem both agreed that enhanced export controls were needed in order to both strengthen Lebanon's compliance with UNSC resolutions and to enhance Lebanon's border security.

NEW LAW DIFFICULT  
TO PASS  
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18. (C) Members of Parliament's Economy, Trade and Industry Committee, MPs Nabil de Freige (Future Party) and Dr. Ghazi Youssef (Future Party) told us on October 14 that drafting a new export control law would be unlikely due to the large legislative backlog waiting to be voted on by Parliament. They agreed that a new law was needed, especially given Lebanon's porous border with Syria. Both also stressed the GOL's willingness to comply with UNSCR 1540, but noted that it could take several years before such a law came to the floor for a formal vote.

19. (C) Lama Oueijan, an advisor to the Minister of Economy and Trade, agreed that passing a new law would be difficult and, realistically, final passage would take several years. However, Oueijan said two alternatives would be to either have an MP support an amendment to one of the current laws already on parliament's calendar dealing with economic reform issues, or to have the Council of Ministers pass a ministerial decree. Oueijan said the Ministry of Economy and Trade would take the lead in drafting such legislation, adopting/implementing a control list, and maintaining a licensing system.

110. (C) General Ghanem also supported a ministerial decree as a short term solution that would give Lebanese Customs the ability to both interdict and confiscate dual-use items and punish traffickers of such material. A ministerial decree

only requires approval from the Council of Ministers and the process could take as little as three to four months, according to Ghanem. In the long term, Ghanem said a new export control law would be needed to ensure that the ministerial decree could not be overturned easily when the Council of Ministers changes after the 2009 parliamentary elections.

#### IDENTIFYING THE GAPS

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¶11. (C) According to Lebanese Customs Regional Director Tilal Itani, 100 percent of containers with goods being imported to Lebanon are inspected by Customs. However, transshipped containers (containers off-loaded from one ship and put on another) are not screened at the port. In an October 23 meeting, Hassan Karaytem, the President of the Beirut Port Authority, told DOE personnel and Emboff that more than 60 percent of the containers transiting through Port of Beirut are transshipped. (Note: The Megaports project, if implemented in its current form, would install radiological portal monitors at the Port of Beirut and would scan approximately 90 percent of Lebanon's transshipped cargo. However, even if illicit radiological material or other WMD related technologies were detected, Customs would not have the legal authority to confiscate the transshipped container, which nullifies the benefits of such a project in the end. End Note.)

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¶12. (C) Marc Pasotti, the French Embassy's lead official for security assistance, said Beirut International Airport (BIA) is equally vulnerable. The French are helping GOL security agencies with training and equipment. Pasotti said there are a number of security concerns with cargo and passengers entering and leaving from BIA. (For example, Pasotti said before the French began providing training to BIA security personnel, no female passengers were searched before departing BIA.) He added that there is no equipment currently at the airport to check for radiological materials.

¶13. (C) Itani noted that while Customs has the legal authority to inspect cargo coming across the four official land border crossings with Syria, the Lebanese Armed Forces (LAF) are responsible for maintaining security along the border where there are numerous unofficial crossing points used by smugglers. In an October 27 meeting with Customs official Captain Joseph Skaff, Emboffs were told that at the land borders, there is only one radiological scanner (donated by the EU) and is currently inoperable due to improper installation. The remaining land border crossing points have no way to check for radiological or hazardous material. (Note: The Germans have donated some hand-held equipment for radiological and nuclear inspections, in addition to some night vision equipment and luggage scanners. However, there is no way to search vehicles or containers for radiological or bio-chem material. End Note).

#### CUSTOMS IN NEED OF TRAINING AS WELL

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¶14. (C) Skaff said Customs is severely understaffed with only 1,250 employees, 36 of whom are officers with around two years training in customs laws as well as limited military officer training. The remaining enlisted personnel receive only six weeks of training, solely on customs laws and regulations. There are 250 new recruits entering into duty by the end of 2008, and an additional 170 currently being recruited. This will offset the 100 or so officials set to retire this month, leaving Customs with a total force of around 1,500 personnel, according to Skaff. Their current mandate allows for up to 2,800 personnel, but according to Captain Skaff, PM Siniora refuses to allow for anymore

personnel to be hired due to budgetary constraints. Nsouli said seminars are needed for LAEC staff, MPs, GOL officials, as well as Customs agents to learn more about UNSCR 1540 and Lebanon's obligations. (Note: Lebanese Customs officials have attending EXBS sponsored training in the past and a number are aware of Lebanon's obligations under UNSCR 1540. However, MPs and GOL officials may not have the same degree of understanding. End Note.)

COMMENT AND  
ACTION REQUEST  
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¶15. (C) Given the needs of the Lebanese Customs service and its size, we see value in using EXBS funding to establish a comprehensive program to train and equip the entire Lebanese Customs force. This training could include techniques in border security operations at Lebanon's seaports, airport, and land border crossings. Such training could also be used to educate Customs personnel on Lebanon's international obligations in accordance with UNSC resolutions.

¶16. (C) We realize the importance of also upgrading the regulatory framework to enable Customs to confiscate and interdict illicit radiological and bio-chem materials.

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Therefore, we also suggest urging the GOL in the short-term to adopt a ministerial decree giving Customs the ability to actually halt transited and potential illicit dual-use items.

In the long-term, parliament will need to draft an export control law or amending already drafted legislation to fully bring Lebanon in compliance with UNSCR 1540. Embassy POC for this issue is C. Jasen Peterson, Political Officer, at 011-961-4-543600 ext. 4229 or at PetersonCJ@state.gov End Comment and Action Request.

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